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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,506	04/06/2001	Owen Lynn	VIRAGE.033A	6821
20995	7590	08/29/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				TO, BAOQUOC N
ART UNIT		PAPER NUMBER		
2162				

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/828,506	LYNN ET AL.
	Examiner	Art Unit
	Baoquoc N. To	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 August 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 36-58 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 36-41 is/are allowed.

6) Claim(s) 42-58 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____ .

DETAILED ACTION

1. Claims 1-35 are canceled and claims 36-58 are newly added in the amendment filed 11/17/2004. Claims 36-41 are previously allowed and claims 42-58 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 08/10/2005 have been fully considered but they are not persuasive.

The applicant argues "claim 52 recites, in part, "dynamically identifying a script associated with at least one video on a network." In one embodiment, such a script includes program that is executed by a processor, and may be embodied as a web script that could be executed by the browser applet. The MPEG input stream is not a script."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a script includes program that is executed by a processor, and may be embodied as a web script that could be executed by the browser applet) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues "claims 52 reciting "grouping together differently encoded versions of the content". It is same identified content that has different encoded versions in claim 52. In contrast, Barton arguably describes differently encoded

versions of different content."

The examiner respectfully disagrees with the above argument. As Barton discloses in the col. 5, lines 5-17 with sorting different events into location. In addition, Barton also discloses "the event buffer 413 is filled by the parser 401 with events. Each event 501 in the event buffer has an offset 502, event type 503 and timestamp field 504 (col. 5, lines 20-23). The time stamp field indicates the different versions are stored in the event.

Applicant also argues "the cited references do not describe "the grouped versions of the content" and further do not disclose "selectively indexing" the group versions in the cited portions of references."

The examiner respectfully disagrees with the above argument. As Barton discloses grouping the event and indexing (col. 6, lines 40-46). Bringing Ottensen disclosure to into the Barton in further clarify indexing the grouped versions in order to allow the fast retrieval system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 28-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al (US. Patent 6,886,178 B1) in view of Barton et al. (US. Patent No. 6,233,389 B1).

Regarding on claim 42, Mao teaches a method of video spidering, comprising:
dynamically identifying a script associated with at least one video on a network
(MPEG-2 data stream) (col. 7, lines 37-38);

Parsing the identified script associated with the video (finds the HPAT) (col. 7,
line 41);

Executing the parsed script to identify a container file (predetermined MPEG-2
location, for example, PID=0xf00) (col. 7, lines 32-43);

Parsing the identified container file (find the PID) (col. 20, lines 47);

Evaluating the parsed container file to identify a location identifier of video
content (the html broadcast is located in the table in the PID) (col. 7, lines 45-47); and

Storing the location identifier associated with the video content (HTML broadcast
web page is stored in the tableDex) (col. 20, lines 47-48).

Mao does not explicitly disclose the parser. However, Barton discloses “the
parser 401 parses the stream looking for MPEG distinguished events indicating the start
of video, audio or private data segments” (col. 5, lines 3-6). Therefore, it would have
been obvious to one ordinary skill in the art at the time of the invention was made to
modify Mao’s system to include the parser parsing the data stream as taught by Barton
in order in order to identify the content of the data for indexing.

Regarding on claim 43, Mao teaches the method recited in claim 42, wherein
evaluating the parsed container file comprises excluding advertising content (col. 7,
lines 30-35).

Regarding on claim 44, Barton teaches the method recited in claim 42, wherein additionally comprising launching video content for playback on a visual display according to the location identifier (col. 6, lines 44-46).

Regarding on claim 45, Mao teaches the method recited in claim 44, wherein the script is programmed in Java script or Visual Basic script (col. 6, lines 60-64).

Regarding on claim 46, Mao teaches the method recited in claim 42, wherein the location identifier is a video uniform resource locator (URL) (col. 6, lines 60-63).

Regarding on claim 48, Mao teaches a method of video spidering, comprising:

Dynamically identifying a script associated with at least one video on a network (MPEG-2 data stream) (col. 7, lines 37-38);

Parsing the identified script associated with the video (finds the HPAT) (col. 7, line 41);

Executing the parsed script to identify video content (predetermined MPEG-2 location, for example, PID=0xf00) (col. 7, lines 32-43);

Evaluating the executed script to generate a location identifier of the video content (the html broadcast is located in the table in the PID) (col. 7, lines 45-47); and

Storing the location identifier associated with the video content (HTML broadcast web page is stored in the tableDex) (col. 20, lines 47-48).

Mao does not explicitly disclose the parser. However, Barton discloses "the parser 401 parses the stream looking for MPEG distinguished events indicating the start of video, audio or private data segments" (col. 5, lines 3-6). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to

modify Mao's system to include the parser parsing the data stream as taught by Barton in order in order to identify the content of the data for indexing.

Regarding on claim 49, Mao teaches the method recited in claim 48, wherein the location identifier is video uniform resource locator (URL) (col. 6, lines 60-63).

Regarding on claim 50, Barton teaches the method recited in claim 48, additionally comprising launching the identified video content for playback on a visual display according to the location identifier (col. 6, lines 44-46).

Regarding on claim 51, Barton teaches the method recited in claim 50, wherein launching the identified content comprises invoking a specific coded video player of a site containing the identified video based on the location identifier (col. 6, lines 44-46).

4. Claims 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al. (US. Patent No. 6,233,389 B1) in view of Ottesen et al. (US. Patent No. 5,930,493).

Regarding on claim 52, Barton teaches a method of video spidering, comprising:

Dynamically identifying a script associated with at least one video on a network (the input streams flows through a parser 401) (col. 5, line 3);

Parsing the identified script associated with the video (the parser 401 parses the stream looking for MPEG distinguished events indicating the start of video, audio or private data segments) (col. 5, lines 3-6);

Executing the parsed script to identify content (when parser 401 find a video event, it directs the stream to the video DMA engine 402) (col. 5, lines 6-7);

Grouping together differently encoded versions of the content (when he parser 401 finds a video event, it directs the streams to the video DMA engine 402. The parser 401 buffers update and DMAs it into the video buffer 410 through the video DMA engine 402. At the same time, the parser 401 directs an event to the event DMA engine 405 which generates an event to the event DMA engine 405 which generate an event into the event buffer 413. When the parser 401 sees an audio event, it redirects the byte stream to the audio DMA engine 403 and generates an event into the event buffer 413. Similarly, when the parser 401 see a private data event, it directs the byte stream to the event buffer 413) (col. 5, lines 6-17);

Obtaining a location identifier associated with the content (actual addresses 610 of each segment) (col. 5, lines 36-40); and

Storing the location identifier (the address are stored in the buffer) (col. 5, lines 25-35, col. 5, lines 66-67 to col. 6, lines 1-15).

Barton does not explicitly teach selectively indexing the grouped versions of the content. However, Ottesen teaches “when process by the index parser 33, each of the compress digital video segments 48 is preferably encoded with a unique segment address. A first video segment 48, for example, may be encoded or tagged with an address identifier “A1,” while the second discrete video segment 48 may be encoded with an address of “A2”...having indexed each of the video segments 48 with a unique address and stored the video segments on a mass storage device, such as digital storage device 35, reference to specific video segment 48 addresses provides an efficient means for organizing the video segments 48 in a customize manner” (col. 9,

lines 60-67 to col. 10, lines 1-9). This suggests for indexing the video segments. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Barton's system to include indexing video segments as taught by Ottesen in order to utilize the index for efficiently searching.

Regarding on claim 53, Barton teaches the method recited in claim 52, wherein the script is programmed in Java script or Visual Basic script (VB) (col. 6, lines 38-40).

Regarding on claim 54, Barton teaches the method recited in claim 52, additionally comprising launching the identified content for playback on a visual display according to the location identifier (e.g. fast forward, reverse, play, pause, fast/slow play, indexing, and fast/slow reverse play) (col. 6, lines 40-46).

Regarding on claim 55, Barton teaches the method recited in claim 54, wherein launching the identified content comprises invoking a specific coded video player of a site containing the identified video (col. 6, lines 37-45).

Regarding on claim 56, Barton teaches the method recited in claim 52, wherein the differently encoded versions of the content vary by bit rate (col. 6, lines 37-45).

Regarding on claim 57, Barton teaches the method recited in claim 52, wherein the differently encoded versions of the content vary by video player format (col. 6, lines 37-45).

Regarding on claim 58, Barton teaches the method recited in claim 52, wherein the selectively indexing comprises applying a selection criterion to select one best differently encoded version of the content (col. 5, lines 6-17).

Allowable Subject Matter

5. Claims 36-41 are allow over the prior art made of records.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 36, None of the known prior art neither teaches or suggests “a uniqueness check process configured to check the generated location identifier against the known location identifiers, and eliminate the generated location identifier if it is not unique or predetermined properties have not changed in reference to a known location identifier in the storage; a group process configured to group together differently encoded versions of the video content varying by bit rate or player format, and apply a selection criterion to select one best differently encoded version of the video content; and a harvesting process configured to generate a time-based index of the one best differently coded version of the video content, and storing a location identifier, corresponding to the indexed video, in the storage as a known location identifier” and in conjunction with “a spidering process configured to dynamically identify a script associated with at least one video on a network, parse the script associated with the video, execute the parsed script to identify video content, and evaluate the executed script to generate a location identifier of the video content; a storage configured to store known location identifiers;”

As to claim 37, None of known prior art alone or in combination neither teach or suggest “generating a time-based index of the video, wherein the time-based index is generated by determining an absolute time from the beginning of the video, comprising adding a delta time, the delta time representing the time from the beginning of the video

to the time when metadata capture begins, to a timecode of the metadata" and in conjunction with "traversing a set of hyperlinked documents by following the hyperlinks from one page to the next so ms to identify existence of digital video; identifying multiple versions of a video prior to indexing; and storing the time-based index in a repository along with a hyperlinked location identifier associated with the video being indexed."

Claims 38-42 are depended on claim 37, therefore, they are allowed under the same reason as claim 37.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

Baoquoc N. To
August 23, 2005



JEAN M. CORRIEULUS
PRIMARY EXAMINER